IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

WP(C).No. 24237 of 2007(I)

SC.1683/2005 of DISTRICT COURT, THALASSERY
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PETITIONER:

C.M.BABU, S/O.DECEASED AMMU AMMA,
AGED 34 YEARS, KARIYIL VEEDU, KARKKODE,
PALLIYAM, THILLANGERY, PALLIYAN, THALASSERRY.

BY ADV. SRI.S.RAJEEV

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY, GOVT.SECRETARIAT, THIRUVANANTHAPURAM.

2. SECRETARY TO GOVERNMENT, HOME DEPARTMENT, GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

3. DISTRICT COLLECTOR, KANNUR.

4. DIRECTOR GENERAL OF POLICE (LAW & ORDER), POLICE HEADQUARTERS. THIRUVANANTHAPURAM.

BY Government Pleader SRI.C.K.SURESH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J

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W.P.(C). No.24237 Of 2007

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Dated this the 23rd day of August, 2007

JUDGMENT

The short grievance of the petitioner is that Special Prosecutor has not been appointed by the Government for the prosecution of S.C.No.1683/2005 before the Principal Sessions Court, Thalassery. The petitioners prayer for appointment of Special Prosecutor was turned down by the government. In this writ petition, the learned Government Pleader on behalf of the State submitted that Adv.Sri.T.V.Babu Sathyanath is appointed as Special Prosecutor in this case. The petitioner appears to be satisfied with that statement. The learned counsel for the petitioner submits that petitioner is simultaneously making a request under Section 302 Cr.PC to permit his counsel to assist the Prosecutor.

2. In these circumstances, no further relief need be granted or directions issued in this Writ Petition .This Writ Petition is accordingly dismissed. Needless to say, the petitioner''s request under section 301 Cr.P.C must be considered by the Prosecutor and the Court, in accordance with law.

(R.BASANT, JUDGE)

sj